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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,664	10/14/2003	Timothy Kershenstine JR.	K03-0197	3401
27257	7590	03/30/2005	EXAMINER	
THOMAS S. KEATY KEATY PROFESSIONAL LAW CORP. 2140 WORLD TRADE CENTER NO. 2 CANAL STREET NEW ORLEANS, LA 70130			FLOOD, MICHELE C	
		ART UNIT	PAPER NUMBER	
		1654		
DATE MAILED: 03/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/684,664	KERSHENSTINE, TIMOTHY
	<b>Examiner</b>	<b>Art Unit</b>
	Michele Flood	1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

Acknowledgment is made of the receipt and entry of the amendment filed on January 14, 2005, including the cancellation of Claims 8-17.

***Election/Restrictions***

Applicant's election without traverse of the species, the herbal ingredients of Spica Prunella Flos, Chrysanthemi Flos, Lonicera japonica, Radix Notoginseng, Cleistocalyx operculatus, Lentinus edodes and Sophora japonica, in the reply filed on December 21, 2004 is acknowledged.

The originally elected species of the aforementioned ingredients was not found; therefore the requirement for species election has been withdrawn. The Claims were examined on the merits taking each of the species of the Markush Group in Claim 1 into consideration.

**Claims 1-7 are under examination.**

***Oath/Declaration***

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As drafted, the claim is drawn to products of nature, i.e., the claim-designated ingredients are known in the art as plants naturally occurring in nature.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The metes and bounds of Claim 1 is rendered vague and indefinite because it is unclear as to whether the instantly claimed composition comprises the whole plant or plant part materials or fungal parts of the claim-designated herbal ingredients or extracts thereof. The lack of clarity renders the claim ambiguous.

There is apparent misspelling in Claim 1, line 3. Applicant may overcome the rejection by replacing "Operculatis" with Operculatus.

Claim 4 recites the limitation "the active ingredients", in lines 1 to 2. There is insufficient antecedent basis for this limitation in the claim.

The metes and bounds of Claim 4 are rendered uncertain because the percentage amounts of the ingredients are not set forth in terms of either "by weight" or "by volume" percentage amount of the total composition. The lack of clarity renders the claims indefinite since the resulting claims do not clearly set forth the metes and bounds of the patent protection desired.

All other cited claims depend directly or indirectly from rejected claims and are, therefore, also, rejected under U.S.C. 112, second paragraph for the reasons set forth above.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Xiao (N).

Applicant claims a stable dietary supplement composition containing herbal ingredients selected from a group consisting of Spica Prunella Flos, Chrysanthemi Flos, Lonicera japonica, Radix Notoginseng, Cleistocalyx operculatus, Lentinus edodes and Sophora japonica. Applicant further claims the dietary supplement of claim 1, wherein Spica Prunella is accessed by extracting.

Xiao teaches a health-care medicine for intestines and stomach comprises ginseng, fruit of Chinese wolfberry, haw, selfheal (*Prunella spica*), chrysanthemum, lotus leaf, and peel of red orange. The composition taught by Xiao is prepared comprising the following steps: To prepare the medicine, a solution A is made from ginseng, fruit of Chinese wolfberry, haw and selfheal and solution B from chrysanthemum, lotus leaf and peel of red orange. Solution A is mixed with solution B and the medicine obtained by decocting. The medicine is good for the stomach, promotes digestion, clears away heat and toxic material, regulates the flow of vital energy, removes fat, removes heat from the liver, improves the acuity of vision, and immunoenhancement. The drug features intensive resource, simple process and is convenient to administer.

The reference anticipates the claimed subject matter.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sun (O) and Wang (P).

Applicant's claimed invention was set forth above.

Sun teaches a chewing gum is produced with the material including *Prunella* sealheal extractive, Stevioside, gum, essence and glycerine. The chewing gum with Chinese medicine material selfheal possess the health functions of resisting fatigue, promoting intelligence growth, nourishing brain, increasing immunity, and preventing disease.

Wang teaches a health drink composition made up of 10g of processed dry tea, 20g of semi dried cogongrass rhizome, 20g of dried selfheal, 20g of dried honeysuckle (*Lonicera japonica*), and 20g of edible sugar and added with 400g of water. Then it is boiled in an iron pot or earthenware pot for 12-15 min., and cooled for 24 hr.

The references anticipate the claimed subject matter.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ling (Q).

Applicant's claimed invention of Claim 1 was set forth above.

Ling teaches a dietary supplement composition for treating hypertension, hyperlipemia and coronary heart disease comprising Chrysanthemum flower and honeysuckle (*Lonicera japonica*).

The reference anticipates the claimed subject matter.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (U).

Applicant's claimed invention of Claim 1 was set forth above.

Lee teaches a composition comprising an extract of *Lonicera japonica* that is useful in the treatment or control of blood pressure and hormonal balance in hypertensive animals.

The reference anticipates the claimed subject matter.

Claims are rejected under 35 U.S.C. 102(b) as being anticipated by Yatani et al. (R, Translation of foreign patent document provided herein.)

Applicant's claimed invention of Claim 1 was set forth above.

Yatani teaches a dietary supplement composition comprising as an active ingredient an extract from at least one plant, including Panax ginseng and Lonicera japonica, which is used for treating pulmonary hypertension or treating ischemic heart disease or chronic renal insufficiency.

The reference anticipates the claimed subject matter.

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wu (S).

Applicant's claimed invention of Claim 1 was set forth above. Applicant further claims the dietary supplement composition of Claim 1, wherein the composition comprises a tablet or a capsule.

Wu teaches a dietary health care composition for treating stomatopathy and throat disease comprising honeysuckle (Lonicera japonica) and Chrysanthemum in the form of a tablet or capsule.

The reference anticipates the claimed subject matter.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hsu et al. (W).

Applicant's claimed invention was set forth above.

Hsu teaches an oral composition comprising an extract of Panax notoginseng, on page 530-531.

The reference anticipates the claimed subject matter.

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Suzuki (T, Translation of foreign patent document provided herein.).

Applicant's claimed invention of Claim 1 was set forth above.

Suzuki teaches a dietary composition comprising Radix notoginseng that can be used as a daily food material. Suzuki further teaches that Radix notoginseng is known for its effectiveness to improve flow of blood, enhance immunity, and anti-diabetic and anti-thrombus activities.

The reference anticipates the claimed subject matter.

Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as being anticipated by Woo et al. (V).

Applicant's claimed invention of Claims 1 and 2 was set forth above.

Woo teaches a dietary supplement composition comprising an extract of Cleistocalyx operculatus, Roxb. (CO) that was shown to increase the contractility and decrease the frequency of contraction in an isolated rat heart perfusion system. CO was found to inhibit Na<sup>+</sup>/K<sup>+</sup>-ATPase activities in rat heart sarcolemma, as well as in a purified enzyme from porcine cerebral cortex. CO also inhibited Ca<sup>2+</sup>-dependent ATPase in mouse heart homogenate and in mouse heart sarcoplasmic reticulum at a similar dose. These enzyme inhibitory actions provide a possible explanation for the positive inotropic and negative chronotropic actions of CO on the perfused rat heart.

The method of making the referenced extract included distillation and extraction of the herbal ingredient. See page 168, Column 1, under "*Preparation of the extract*".

The reference anticipates the claimed subject matter.

Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Motohashi et al. (N1, Translation of foreign patent document provided herein.).

Applicant's claimed invention of Claims 1 and 7 was set forth above. Applicant further claims the dietary supplement composition of Claim 1, wherein Cleistocalyx operculatus and Lentinus edodes are accessed by distilling and extracting.

Motohashi teaches a stable dietary supplement comprising Lentinus edodes in the form of a tablet. The tablet taught by Motohashi is obtained by mixing Lentinus edodes Sing. with the shape retaining agent and shape stabilizer, drying the resultant mixture at a relatively low temperature, regulating the moisture content to the prescribed value, then cooling the regulated mixture to normal temperatures and subsequently compression forming the cooled mixture. Motohashi further teaches that Lentinus edodes is known in the art of medicine to decrease blood cholesterol, improve immunity, control blood sugar, and analgesic action.

The reference anticipates the claimed subject matter.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fujita et al. (O1).

Applicant's claimed invention of Claim 1 was set forth above.

Fujita teaches a dietary supplement comprising an extract of *Lentinus edodes* that is used to treat hypertension.

The reference anticipates the claimed subject matter.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Tomiyama (P1).

Applicant's claimed invention of Claim 1 was set forth above.

Tomiyama teaches a stable dietary supplement composition comprising powder of the buds of *Sophora japonica* or its extract with cereal powder such as flour, buckwheat flour, corn flour, etc. and (b) processing the mixture to provide foods such as noodle, bread, biscuit, etc. The buds are usually crushed to pass No.60 screen and the powder is usually combined 0.5-5 w/w% in cereal powder. Tomiyama further teaches that the composition shows an intensifying effect on blood vessel and can be prepared without deteriorating the texture and taste and flavor of foods.

The reference anticipates the claimed subject matter.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (X), Xiao (N), Hsu et al. (W), Lee et al. (U), Woo et al. (V), Motohashi et al. (N1) and Fujita et al. (O1).

Applicant's claimed invention of Claims 1-3 was set forth above. Applicant further claims the dietary supplement composition of Claim 1, wherein the active ingredients comprise about 18.75% weight of each of Spica Prunella Flos and Chrysanthemi Flos, about 15% of Lonicera japonica, about 12.5% weight each of Radix Notoginseng and Cleistocalyx operculatus, and about 11.25% each of Lentinus edodes and Sophora japonica.

Xu teaches a composition comprising the extract, "Jiangtangsu ", isolated from common selfheal Prunella vulgaris or Spica Prunella), decreased blood sugar levels in mice with diabetes mellitus induced by alloxan. The oral LD50 of Jiangtangsu was >10 g/kg in mice. Xiao teaches a composition comprising Prunella spica and chrysanthemum having beneficial health-promoting functions, as set forth above. On page 70, under "Pharmacology", Hsu teaches that Chrysanthemi Flos suppresses the motor center controlling blood vessels and dilates blood vessels producing a hypotensive effect. Lee teaches a composition comprising an extract of Lonicera japonica that is useful in the treatment or control of blood pressure and hormonal balance in hypertensive animals. On pages 530- 531, Hsu teaches a composition comprising Radix Notoginseng, which has hemostatic effect and cardiotonic effect, and which enhances the immune system. Hsu further teaches that oral ingestion of the herb shortens blood coagulation. It also increases coronary blood low and decreases

oxygen consumption by the muscles; and, less lipid and cholesterol level in the blood. Woo teaches a dietary supplement composition comprising an extract of Cleistocalyx operculatus, Roxb. (CO) that was shown to increase the contractility and decrease the frequency of contraction in an isolated rat heart perfusion system. CO was found to inhibit Na<sup>+</sup>/K<sup>+</sup>-ATPase activities in rat heart sarcolemma, as well as in a purified enzyme from porcine cerebral cortex. CO also inhibited Ca<sup>2+</sup>-dependent ATPase in mouse heart homogenate and in mouse heart sarcoplasmic reticulum at a similar dose. These enzyme inhibitory actions provide a possible explanation for the positive inotropic and negative chronotropic actions of CO on the perfused rat heart. Motohashi teaches a stable dietary supplement comprising Lentinus edodes in the form of a tablet. Motohashi further teaches that Lentinus edodes is known in the art of medicine to decrease blood cholesterol, improve immunity, control blood sugar, and analgesic action. Fujita teaches a dietary supplement comprising an extract of Lentinus edodes that is used to treat hypertension. On page 514, under "Pharmacology", Hsu teaches Sophora japonica as a vascular tonic that shortens bleeding time and effective for hypertension, stroke and hemorrhage. Hsu further teaches that Sophora japonica has hypotensive effect.

The teachings of Xu, Xiao, Hsu, Lee, Woo, Motohashi and Fujita are set forth above. None of the aforementioned teachings teach a composition comprising each of the instantly claimed ingredients. However, it would have been obvious to one of ordinary skill in the art to combine the instantly claimed ingredients in the making of the instantly claimed stable dietary supplement composition because at the time the

Art Unit: 1654

invention was made each of the herbal ingredients of Spica Prunella Flos, Chrysanthemi Flos, Lonicera japonica, Radix Notoginseng, Cleistocalyx operculatus, Lentinus edodes and Sophora japonica were known in the art of herbal medicine as herbal ingredients providing beneficial health-promoting functional effects, as evidenced by the aforementioned teachings. At the time the invention was made, one of ordinary skill in the art would have been motivated and one would have had a reasonable expectation of success to combine the herbal ingredients taught by Xu, Xiao, Hsu, Lee, Woo, Motohashi and Fujita in the making of the instantly claimed invention because Xu teaches that the oral administration of effective amounts of Spica Prunella decreases blood sugar in diabetic subjects with no organ damage in subacute toxicity studies in mammals; Xiao teaches a dietary supplementary composition comprising Spica Prunella that promotes digestion, regulates energy, removes fat, improves acuity of vision, and enhances immunity; Hsu teaches that Chrysanthemi Flos produces a hypotensive effect; Lee teaches that Lonicera japonica controls blood pressure and hormonal balance in animals with high blood pressure; Woo suggests that the oral administration of a composition comprising an extract of Cleistocalyx operculatus is useful in the treatment of heart conditions; Motohashi suggests that the oral administration of a composition comprising an extract of Lentinus edodes is useful in the treatment of high cholesterol levels in the blood, high sugar levels in the blood and for improving immunity and Fujita teaches that dietary supplements comprising Lentinus edodes is useful in the treatment of hypertension; and, Hsu teaches that compositions comprising Sophora japonica have hypotensive effect. Moreover, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to add any of the claimed ingredients in the making of the claimed methods because it is well known that its *prima facie* obvious to combine two or more ingredients each of which is taught by the prior art to be useful for the same purpose in order to form a third composition which is useful for the same purpose. The idea for combining them flows logically from their having been used individually in the prior art. *In re Pinten*, 459 F. 2d 1053, 173 USPQ 801 (CCPA 1972); *In re Susi*, 58 CCPA 1074, 1079-80; 440 F.2d 442, 445; 169 USPQ 423, 426 (1971); *In re Crockett*, 47 CCPA 1018, 1020-21; 279 F.2d 274, 276-277; 126 USPQ 186, 188 (1960). Thus, at the time the invention was one of ordinary skill in the art would have been motivated and one would have had a reasonable expectation of success to add any of the claimed ingredients taught by any of the aforementioned teachings in the making of a dietary supplement composition because at the time the invention was made each of the claim-designated ingredients were known in the art to have beneficial health-promoting effects.

As each of the references indicate that the various proportions and amounts of the ingredients used in the claimed composition or the claimed composition/pharmaceutical combinations are result variables, they would have been routinely optimized by one of ordinary skill in the art in practicing the invention disclosed by each of the references.

Accordingly, the claimed invention was *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, especially in the absence of evidence to the contrary.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (X), Xiao (N), Hsu et al. (W), Lee et al. (U), Woo et al. (V), Motohashi et al. (N1) and Fujita et al. (O1) in view of Cooker (A) and Geller (B).

Applicant's claimed invention of Claims 1-4 and 7 was set forth above. Applicant further claims the dietary supplement composition of Claim 1, wherein said supplement is a tablet with binding agents containing at least cellulose, magnesium stearate and dextrose; and, wherein said supplement is a capsule with a binding agent containing rice flour.

The combined teachings of Xu, Xiao, Hsu, Lee, Woo, Motohashi and Fujita are set forth above. The combined teachings of the aforementioned cited references teach the instantly claimed composition except for wherein the supplement is a tablet with the binding agents of at least cellulose, magnesium stearate and dextrose; and, wherein the supplement is a capsule with a binding agent containing rice flour. However, it would have been obvious to one of ordinary skill in the art to use the instantly claimed ingredients as binding agents in the making of a tablet or a capsule comprising the composition taught by the combined teachings of the aforementioned cited references because at the time the invention was made the instantly claimed ingredients were known in the art as binding agents useful in the making of either a tablet or a capsule, as evidenced by the teachings of Geller and Cooker. Firstly, Geller teaches a method of making pharmaceutical formulations for tablets, wherein the binding agents comprise cellulose, magnesium stearate and dextrose. Secondly, Cooker teaches a method of making a capsule, wherein the binding agent is rice flour. At the time the invention was

made, one of ordinary skill in the art would have been motivated and one would have had a reasonable expectation of success to modify the stable dietary composition taught by the combined teachings of Xu, Xiao, Hsu, Lee, Woo, Motohashi and Fujita by adding the instantly claimed binding agents in the making of a tablet or a capsule to provide the instantly claimed pharmaceutical forms of a tablet or a capsule because Geller teaches tablet formulations comprising the binding agents, cellulose, magnesium stearate and dextrose, provide for the making of a chewable tablet that permits administration of two or more accurate predetermined amounts of bioactive ingredients in a compressed form; and, Cooker suggests that the use of rice flour in the making of a capsule for oral administration provides for oral dosage forms that are easy to swallow, in Column 2, lines 29-40, in Column 5, lines 19-29, and, in Column 7, lines 16-50; and, the incorporation of the dietary supplement composition taught by the combined teachings of Xu, Xiao, Hsu, Lee, Woo, Motohashi and Fujita into either a tablet or a capsule, such as the tablet and capsule taught by Geller and Cooker, would have provided a suitable vehicle for the delivery of the dietary supplement.

Accordingly, the claimed invention was *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, especially in the absence of evidence to the contrary.

\* Applicant is advised that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. Should you receive inquiries about the use of the Office's PAIR system, applicants may be referred to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Flood whose telephone number is 571-272-0964. The examiner can normally be reached on 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Michele P. Flood*  
**MICHELE FLOOD**  
**PRIMARY EXAMINER**

MCF  
March 17, 2005